

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

SEP 17 2003

PAT. & T.M. OFFICE parte JOSEPH C. SHER and DANIEL R. LOUGHMILLER
BOARD OF PATENT APPEALS
AND INTERFERENCES

Application No. 09/989,563

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on September 8, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On page 2, section (3) of the Examiner's Answer mailed on March 31, 2003 (Paper No. 12), the examiner states that the rejection of claims 22-24 has been withdrawn. On June 5, 2003, appellants filed a Reply Brief (Paper No. 13) wherein appellants state on page 1 of the Reply Brief that "Appellants are submitting herewith an amendment in which Claims 22-24 are canceled from the present application." In addition, appellants indicated on the transmittal sheet accompanying the Reply Brief

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(Paper No. 13) that an amendment accompanied the Reply Brief in "8 pages in triplicate." A review of this application reveals that no such amendment was filed.

Accordingly, it is

ORDERED that the application is returned to the examiner for notifying appellants to submit an amendment canceling claims 22-24 and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
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